UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/NGO/6
18 January 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Item 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 January 1993].

Situation in the Islamic Republic of Iran

1. Executions after unfair trials, arbitrary arrests, unfair trials of political prisoners and torture continued in the Islamic Republic of Iran during 1992, and no substantive measures were taken to introduce, in law and practice, basic safeguards for the protection of human rights.

2. Amnesty International recorded more than 260 executions on the basis of information from both public and unofficial sources. However, the true number of those executed may have been considerably higher. More than 120 executions were reported in the Iranian press: in virtually all these cases those executed had been convicted of criminal offences, particularly drug smuggling. In addition, over 140 political executions were reported by unofficial sources.

3. Victims of political executions included members of the Kurdistan Democratic Party of Iran (KDPI), Komala, People's Mojahedin Organization of Iran (PMOI), followers of Dr. Ali Shariati, and members of Baluchi organizations seeking greater regional autonomy.

4. Individuals continued to be imprisoned and executed on account of their religious beliefs. On 18 March Bahman Samandari, a businessman and member of a prominent Baha'i family, was summarily executed in secret in Evin Prison. Two other members of the Baha'i faith were reported to have been sentenced to death in September. Mehdi Dibaj, who converted to Christianity many years ago, continued to be imprisoned. He has now been held for more than six years.

5. Hundreds of political prisoners, including prisoners of conscience, remained in prison, and hundreds of others were arrested and detained following civil unrest during the year, while re-arrests of former political prisoners in Tehran were reported in May and June. Over 500 people were arrested following demonstrations and violent protests in Shiraz, Arak, Mashhad, Bukan, Tehran and Tabriz between April and June. At least eight of those arrested in connection with the demonstrations were executed within days of arrest after summary trials and five others were sentenced to death. Unofficial sources claimed the true total was higher. Others were sentenced to long prison terms and floggings following unfair trials.

6. Amnesty International's concerns regarding unfair trials of political prisoners continued in 1992. A Parliamentary Act approved in October 1991 guaranteed the defendant's right to an "attorney" - but such an attorney need not be legally qualified. In fact, the new regulation fails to reflect fundamental safeguards provided under article 14 of the International Covenant on Civil and Political Rights (ICCPR). Moreover, by the end of 1992 Amnesty International knew of no political trials before Islamic Revolutionary Courts where prompt and full access to legal counsel had been permitted. Most political trials in Iran continue to be held in secret, inside prisons, with no possibility for lawyers or family members to attend. The proceedings are summary, often lasting only a few minutes, and there is often no right of appeal to a higher tribunal.

7. Amnesty International welcomed the release of nine prisoners of conscience, who were among 108 prisoners who benefited from an amnesty announced in April. The nine were members of the Association for the Defence of Freedom and Sovereignty of the Iranian Nation (ADFSIN) or signatories to a critical open letter addressed to President Rafsanjani. Over 3,000 other prisoners were released or had their sentences reduced in amnesties announced in July and September, which included the release of 53 members of the clergy. The Iranian authorities did not respond to Amnesty International's requests for clarification as to whether any prisoners of conscience or other political prisoners were among the beneficiaries.

8. Amnesty International welcomed the official announcement on 15 December 1992 that 76 women prisoners, convicted by Islamic Revolutionary Courts, would benefit from an amnesty marking the birthday of the Prophet Mohammad's daughter Fatima. At the time of writing it was not clear who had benefited. The organization also welcomed the announcement on 17 December of the acquittal of Abbas Maroufi, the manager of the newspaper Abrar, who was tried by a Tehran criminal court in the presence of a special jury for alleged press violations. He was arrested and held briefly in August 1991 following a drawing which appeared on the front page of Abrar: he was reportedly charged with "insulting the Islamic clergy and providing

guidelines for opposing the sacred system of the Islamic Republic". This was the second time in 1992 that defendants charged with press offences have been tried in the presence of a jury. In the first case, journalist Nasser Arabha was represented by a lawyer at his trial in September 1992. It is not clear, however, whether Abbas Maroufi was granted this right.

9. Releases of individual prisoners of conscience and political prisoners were reported during the year. Many of the political prisoners were released on condition that they repented and signed statements that they would not embark on any political opposition activities, or were released on temporary leave. As in previous years, almost all political prisoners were required to report to the authorities at regular intervals. Often a relative was required to stand as guarantor for the former prisoner, he or she becoming liable for arrest if the former prisoner should fail to present him or herself on request to the security authorities.

10. Torture and ill-treatment of prisoners continued to be practised throughout the country. Methods of physical torture commonly cited by former prisoners included suspension for long periods in contorted positions, severe and repeated beating with cables or other instruments on the back and the soles of the feet, and burning with cigarettes. Although Iran is a party to the ICCPR, which forbids the use of torture, it has yet to introduce minimum safeguards to prevent torture. These would include allowing prisoners prompt and regular access to relatives, lawyers and doctors; ensuring that complaints of torture or ill-treatment are properly investigated; and bringing the perpetrators to justice.

11. Amnesty International remains concerned about certain forms of punishment provided under the Islamic Penal Code of Iran, which amount to torture or cruel, inhuman or degrading treatment, and are specifically prohibited under international law. In November five people who had been convicted of theft were sentenced to the amputation of four of their fingers. The sentences were carried out in public in Mazandaran. Reports of floggings continued to be received throughout the year. These included floggings inflicted on women for allegedly failing to conform with the dress laws of the Islamic Republic of Iran. Some of those arrested may have infringed the dress code for conscientious reasons, as a non-violent expression of their beliefs.

12. At least four people, including three members of the Kurdistan Democratic Party of Iran (KDPI), were murdered outside the country in circumstances suggesting that they may have been extrajudicially executed. Sadegh Sharafkandi, Fattah Abdouli, Homayoun Ardalan and Nouri Dehkurdi were killed in Berlin just over two weeks after the Minister of Information and Security, Hojatoleslam Ali Fallahian, said on Tehran television on 30 August 1992 "we have been able to deal blows to many of the mini-groups outside the country ... as you know, one of the active mini-groups is the Kurdistan Democratic Party ... we were able to deal vital blows to their cadres last year". In October two Lebanese nationals and one Iranian national were arrested in Germany in connection with the killings. The Iranian Government denied allegations of its involvement in the four killings in Berlin.

13. Iran has yet to introduce minimum safeguards guaranteed by the ICCPR another international human rights treaties for the protection of human rights. Neither has it implemented recommendations made by the Special Representative of the United Nations Commission on Human Rights or by Amnesty International.

14. The Iranian authorities' apparent unwillingness to address the serious human rights problems in Iran, and its continuing denial of access to independent experts and organizations leads Amnesty International to urge the Commission on Human Rights all the more strongly to maintain its scrutiny of the human rights situation in the Islamic Republic of Iran.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/NGO/7
19 January 1993

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Item 10 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 January 1993]

1. Torture and cruel, inhuman or degrading treatment are more and more frequently affecting entire groups en masse and no longer just specifically targeted individuals. The victim of torture is becoming more and more often "collective".

2. The International Federation Action of Christians for the Abolition of Torture, which currently combines 22 associations or groups in course of formation on the African, Asian, American and European continents, has recorded and reports a clear increase in the "collective" use of the practice of torture. Torture has long, unfortunately, been used to terrorize peoples and keep them subjected to an unlawful power. Nowadays, it is being used for the mass elimination of entire social groups which are regarded as undesirable social entities.

3. During 1992, the affiliated associations have had to approach the authorities of 100 countries to report manifest violations of article 5 of the Universal Declaration on Human Rights. These approaches concerned 2,825 individually identified persons.

4. What is more, the affiliated associations had to intervene in the case of 57 countries to report prohibited treatment of groups of several hundreds of people. In these cases, the victims were targeted not because of their personal behaviour but because they belonged to a group or category, whether social, ethnic, sexual, racial or religious.

5. A number of serious situations were noted: ethnic cleansing actions, torture and massacre of religious minorities, persecution of indigenous populations, systematic rape of women belonging to certain social communities, racial segregation practices culminating in unpunished torture or murder, and discriminatory propaganda against and incitement to hatred of certain social groups.

6. All too often, the national political authorities have stated that they deplored such behaviour which, they asserted, originated from allegedly uncontrolled groups or resulted from the compulsive reactions of exasperated social groups. Such statements are often utterly contrary to the truth and the complicity of political leaders is frequently evident. Even if this were not so, such reasoning has no credibility in the eyes of world public opinion. It is the duty of the authorities, by reason of the function and mission which legitimizes the exercise of their power, to stop such practices, to carry out preventive action and to punish those responsible for acts of torture.

7. No political, religious, social or ethnic justification can be accepted to minimize the responsibility of the State authorities and prevent the punishment of the perpetrators of inhuman treatment. The International Federation Action of Christians for the Abolition of Torture thus calls upon the States Members of the United Nations to:

(a) Ratify in toto (if they have not already done so) the Convention against Torture adopted on 10 December 1984 by the United Nations General Assembly;

(b) Remind law enforcement officials in particular that "no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture" (article 2, paragraph 2 of the Convention);

(c) Ensure that "education and information regarding the prohibition against torture are fully included in the training (article 10, paragraph 1 of the Convention);

(d) See to it that those responsible for acts of torture or cruel, inhuman or degrading treatment or punishment are judged by the competent judicial authorities;

(e) Develop, through civic instruction programmes, a rejection of any discriminatory assessment of one or other social group, in accordance with the instruments adopted by the United Nations; and

(f) In this International Year for the World's Indigenous People, ensure the protection and development of such peoples by both security measures and a programme of economic and cultural development.

8. In addition, the International Federation invites the members of the Commission on Human Rights to take note of the report of the Working Group established by resolution 43/92 to prepare a draft optional protocol to the Convention against Torture (E/CN.4/1993/23) on the work of its 1st meeting, to renew its confidence in the said Group and to encourage it to continue its work.

9. Lastly, the International Federation invites all States Members of the United Nations to ensure the success of the World Conference on Human Rights to be held at Vienna from 14 to 25 June 1993 by encouraging cooperation between the representatives of States and those of the non-governmental organizations and by considering measures which would enable the United Nations to strengthen effective respect for the international instruments on the prohibition against torture and cruel, inhuman or degrading treatment or punishment.